

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6479 of 2007

(CRIME NO. 127/2007 OF CHITTARIKKAL POLICE STATION)

PETITIONERS/ACCUSED NOS.1,3,4 AND 5:

- 1. THANKAPPAN, AGED 31 YEARS,
S/O. RAMAKRISHNAN, THAKADIYAN HOUSE, KANNIVAYAL,
HOSDURG TALUK, KASARGOD (DIST.).**
- 2. LISY, AGED 30 YEARS,
W/O. SIJO, NARAKKILAKKADU, BHEMANDI,
KASARAGOD DISTRICT.**
- 3. LAKSHMI, W/O. RAMAKRISHNAN,
THAKADIYAN HOUSE, KANNIVAYAL, HOSDURG TALUK,
KASARAGOD.**
- 4. RAMANI, W/O. SASI,
AGED 45 YEARS, PULIKKAL HOUSE, KUDUMENI P.O.,
PARAKKADAVU, KASARAGOD DISTRICT.**

BY ADV. SRI.P.BABU

RESPONDENTS: COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J

B.A.No.6479 of 2007

Dated this the 24th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1, 3, 4 & 5 in a crime registered, inter alia, under Section 498 A I.P.C. The petitioners are the husband, sisters in law and mother in law respectively of the defacto complainant. Investigation is in progress. The 2nd accused has already been granted anticipatory bail.

2. The marriage between the spouses took place on 25.02.2007. The defacto complainant is said to be pregnant also. Matrimonial cruelty of the culpable variety was allegedly committed by the petitioners. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners submits that there is maladjustments in the infant marriage. Fanciful allegations are being raised with the sole purpose of vexing and harassing the petitioners.

4. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that the petitioners can be granted anticipatory bail. In coming to this conclusion, I take note of the reality that the arrest and incarceration of the petitioners is likely

to mar all possibilities of harmonious settlement of the matrimonial disputes. I do further take note of the fact that no injury has resulted from the alleged physical cruelty inflicted on the defacto complainant by the petitioners. Appropriate conditions can of course be imposed.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 31.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 01.11.07 and 02.11.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the

petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 31.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 31.10.07.

(R.BASANT, JUDGE)

rtr/-